

### REMARKS

Applicants have studied the Office Action dated December 21, 2005, and have made no amendments to the claims. Reconsideration and allowance of the pending claims in view the following remarks are respectfully requested. Applicants submit that the application, as amended, is in condition for allowance or alternatively is in better form for consideration on appeal. In the Office Action, the Examiner:

- Rejected claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,915,425 to Xu et al.

### Overview of the Present Invention

The present invention provides a system and method for dynamically extending a Digital Rights Management (DRM) system using authenticated external Digital Property Rights (DPR) modules. Prior art systems support a variety of conditions on usage of the media data set and those conditions may be specified on a remote license server, but the available types of usages that may be authorized are fixed by the implementation and may not be flexibly varied by the owners of the copyright on a media data set. Encryption protection by itself in these existing systems is also limited to authorizing access to the media data set and is not able to provide flexible limitations on the types of usage rights that may be granted to the media data set.

To overcome the problems in the prior art, the present invention, as recited for the claims, retrieves a digital property rights list identifying at least a first associated digital property rights module and at least a second associated digital property rights module. The at least first associated digital property rights module resides in a Digital Rights Management core and the at least second associated digital property rights module is an associated extension rights control module that is separate from the Digital Rights Management core. The present invention "...retrieving, in response to the associated not being installed, the associated extension rights control module specified in the digital property rights list for generating an authorization for a desired type of access to a data set, wherein the associated extension rights control module verifies that a set of

usage conditions associated with the desired type of access has been satisfied; wherein upon the retrieving of the associated extension rights control module, the Digital Rights Management core performs the following: requesting the authorization for the desired type of access to the data set through the associated extension rights control module; receiving the authorization from the associated extension rights control module if the set of usage conditions for the desired type of access is satisfied; and granting, in response to receipt of the authorization, the desired type of access to the data set" (Emphasis Added).

Rejection under 35 U.S.C. §102(e) as being anticipated by Xu.

As noted above, the Examiner rejected claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,915,425 to Xu et al. Independent claims 1 and 19 have been amended to clarify that a given associated extension rights control module is associated with a given set of usage rights so that if a new set of usage rights is requested only the associated extension rights control module needs to be changed.

The Applicants would like to first point out that the presently claimed invention recites "retrieving a digital property rights list identifying at least a first associated digital property rights module and at least a second associated digital property rights module, wherein the at least first associated digital property rights module resides in a Digital Rights Management core, and wherein the at least second associated digital property rights module is an associated extension rights control module that is separate from the Digital Rights Management core".

Claims 1 and 19 recite inter alia:

"retrieving a digital property rights list identifying at least a first associated digital property rights module and at least a second associated digital property rights module, wherein the at least first associated digital property rights module resides in a Digital Rights Management core, and wherein the at least second associated digital property

rights module is an associated extension rights control module that is separate from the Digital Rights Management core;

retrieving, in response to the associated extension rights control module not being installed, the associated extension rights control module specified in the digital property rights list for generating an authorization for a desired type of access to a data set, wherein the associated extension rights control module verifies that a set of usage conditions associated with the desired type of access has been satisfied;

wherein upon the retrieving of the associated extension rights control module, the Digital Rights Management core performs the following:

requesting the authorization for the desired type of access to the data set through the associated extension rights control module;

receiving the authorization from the associated extension rights control module if the set of usage conditions for the desired type of access is satisfied; and

granting, in response to receipt of the authorization, the desired type of access to the data set"

Xu teaches a system where the DRM core is fixed to a given DRM proxy. Xu is silent on retrieving a DRM proxy that "retrieving, in response to the associated not being installed, the associated extension rights control module specified in the digital property rights list for generating an authorization for a desired type of access to a data set, wherein the associated extension rights control module verifies that a set of usage conditions associated with the desired type of access has been satisfied".

Further, the license of Xu is not an extension rights control module that performs verification. As recited in claims 1 and 19 the extension rights control module "verifies that a set of usage conditions associated with the desired type of access has been satisfied". In contrast, in Xu the license only defines usage rights and does not verify satisfaction of usage conditions for generating an authorization for access. The presently claimed invention is advantageous over Xu because using an extension rights control modules allows for the rights of users to be changed even after the media set is

residing on the user's computer. Therefore, the presently claimed invention distinguishes over Xu for at least these reasons.

Furthermore, the license of Xu does not identify any DPR modules, especially an "extension rights control module specified in the digital property rights list for generating an authorization for a desired type of access to a data set". Therefore, the presently claimed invention distinguishes over Xu for at least these reasons as well.

The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Xu.<sup>1</sup> Because the elements in independent claims 1 and 19 of "retrieving, in response to the associated not being installed, the associated extension rights control module specified in the digital property rights list for generating an authorization for a desired type of access to a data set, wherein the associated extension rights control module verifies that a set of usage conditions associated with the desired type of access has been satisfied; wherein upon the retrieving of the associated extension rights control module, the Digital Rights Management core performs the following: requesting the authorization for the desired type of access to the data set through the associated extension rights control module; receiving the authorization from the associated extension rights control module if a the set of usage conditions for the desired type of access is satisfied; and granting, in response to receipt of the authorization, the desired type of access to the data set" are not taught or disclosed by Xu, Xu does not identically describe each and every element of claims 1 and 19. Accordingly, claims 1 and 19 distinguish over Xu for at least these reasons.

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<sup>1</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

The Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. § 102(e) has been overcome and the rejection should be withdrawn.

Independent claims 6, 10, 15, and 24 recite similar claim language as independent claims 1 and 19 discussed above. Therefore, the above arguments with respect to independent claims 1 and 19 are applicable here in support of the allowability of independent claims 6, 10, 15, and 24 and will not be repeated. Accordingly, claims 6, 10, 15, and 24 distinguish over Xu for at least the reasons stated above.

For the foregoing reasons, independent claims 1, 6, 10, 15, 19, 24 distinguish over Xu. Claims 2-5, 7-8, 11-14, 16-17, 20-23, and 25-27 depend from claims 1, 6, 10, 15, 19, 24 respectively. Since dependent claims contain all the limitations of the independent claims, claims 1, 6, 10, 15, 19, 24 distinguish over Xu, as well, and the Examiner's rejection should be withdrawn. However, additional arguments are given with respect to dependent claims 2, 4, 5, 13, 14, 20, 22, and 23.

Accordingly, in view of the remarks above, since Xu does not teach, anticipate, or suggest, the presently claimed invention as recited for claims 1-27, the Applicants believe that the rejection of Claims 1-27 under 35 U.S.C. 102(e) has been overcome. The Examiner should withdraw the rejection of these claims.

### **CONCLUSION**

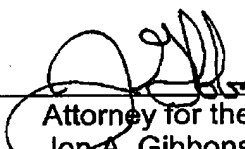
Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR § 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome and that all claims in the application are allowable. No Previously Presented matter has been added. It is believed that the application is now in condition for allowance or alternatively is in better form for consideration on appeal, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully Submitted,

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